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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

LUIS LOZANO,

Defendant and Appellant.

E056015

(Super.Ct.No. RIF1104351)

OPINION

APPEAL from the Superior Court of Riverside County. Elisabeth Sichel,
Judge. Affirmed.

Mark D. Johnson, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

A jury found defendant and appellant Luis Lozano guilty of receiving a stolen vehicle. (Pen. Code, § 496d, subd. (a), count 2.)¹ Defendant was thereafter placed on formal probation for a period of 36 months with various terms and conditions of probation. Defendant appeals from the judgment. We find no error and will affirm.

I

FACTUAL BACKGROUND

On Friday, August 5, 2011, Visterra Credit Union (Visterra) had a repossessed travel trailer for sale in its parking lot. The trailer had a large sign secured to it by zip ties that stated ““Red Tag Sale.”” When a Visterra employee returned to work on Monday morning, August 8, 2011, he noticed that the trailer was gone. A surveillance video showed the trailer being pulled from the parking lot by a white van.

Around 5:30 a.m., on Sunday, August 7, 2011, a witness was driving by Visterra on his way to work when a white van, pulling a trailer, cut him off. The witness recognized the trailer as the one he had previously seen for sale in the Visterra parking lot. The witness believed the trailer was being stolen, and he called the police.

On August 7, 2011, Riverside County Sheriff’s Deputy June responded to the area described in a 911 dispatch call. The deputy found the white van and trailer parked on a street near Visterra. The deputy also noticed another car parked directly in front of the van and two Hispanic males, including defendant, standing between the van and the other

¹ The jury was unable to reach a verdict on count 1, unlawful taking or driving a vehicle. (Veh. Code, § 10851, subd. (a).) Because defendant could not be convicted of both charges and the charges were in the alternative, the trial court deemed the jury to have found defendant not guilty of count 1.

vehicle.² Defendant admitted that he had been driving the white van, and he was unable to provide proof of ownership for the trailer. An examination of the trailer revealed the pullout slides of the trailer were still extended; the electrical connection used to provide brake lights, turn signals, and activate the electronic braking system of the trailer was not plugged into the van; and there were zip ties used to attach the “Red Tag For Sale” banner hanging from the trailer. The banner was found in the other vehicle.

II

DISCUSSION

Defendant appealed and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case, a summary of the facts and potential arguable issues, and requesting this court to conduct an independent review of the record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no arguable issues.

² The other male was codefendant Moreno, who was also charged with the same offenses and with having three prior vehicle theft related convictions. Prior to defendant’s trial, the codefendant pled guilty; and at trial, the codefendant testified that he followed defendant to Visterra and watched as defendant stole the trailer.

III
DISPOSITION

The judgment is affirmed.

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RAMIREZ
P. J.

We concur:

KING
J.

MILLER
J.